

Message Text

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E.O. 11652:GDS

TAGS: PFOR, GR, TU CY

SUBJECT: TURKISH "CLARIFICATION" OF TURKISH CYPRIOT CONSTITUTION

1. TURKISH EMBASSY COUNSELOR CALLED AT DEPARTMENT (EUR/SE) APRIL 4 ON INSTRUCTIONS TO (A) "CLARIFY" CERTAIN ASPECTS OF CONSTITUTION BEING DEVELOPED BY TURKISH CYPRIOTS FOR TURKISH FEDERATED WING OF CYPRUS; AND (B) REITERATE THAT "FREQUENT STATEMENTS FROM GOVERNMENT OF TURKEY AND TURKISH CYPRIOT LEADERS" THAT THERE IS NO INTENTION OF CREATING AN INDEPENDENT TURKISH CYPRIOT STATE IN NORTHERN CYPRUS REMAIN VALID.

2. TURKISH COUNSELOR SAID THAT GOT DOES NOT WANT US AND OTHER GOVERNMENTS TO BE MISLED BY "PROPAGANDA FROM GREEK CYPRIOT AND GREEK PRESS" TO EFFECT THAT ANNOUNCED TURKISH CONFIDENTIAL

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CYPRIOT INTENTION OF ADOPTING CONSTITUTION (NICOSIA 1184)IS

STEP IN DIRECTION OF CREATION OF INDEPENDENT STATE. COUNSELOR SAID THAT GREEK PRESS REPORTS SEEM TO FOCUS ON PROVISIONS OF DRAFT CONSTITUTION EMPOWERING TURKISH WING'S COUNCIL OF MINISTERS TO (A) DECLARE MARTIAL LAW AS NECESSARY TO PROTECT TURKISH CYPRIOTS FROM INTERNAL AND EXTERNAL DANGERS; AND (B) CONCLUDE AGREEMENTS UNDER WHICH FOREIGN COUNTRIES WOULD PROVIDE THE TURKISH WING CULTURAL, TECHNICAL, AND ECONOMIC AND FINANCIAL ASSISTANCE. COUNSELOR SAID THAT THE MARTIAL LAW PROVISION IS DIRECTED TOWARD ASSURING

THE SECURITY OF THE TURKISH CYPRIOT COMMUNITY "UNTIL THE CYPRUS PROBLEM IS RESOLVED." AS REGARDS QUESTION OF ASSISTANCE FROM ABROAD, HE NOTED THAT SWISS CONSTITUTION SERVED AS A MODEL FOR SOME PROVISIONS OF TURKISH CYPRIOT DRAFT CONSTITUTION AND SAID THAT SWISS CANTONS CAN CONCLUDE AGREEMENTS WITH FOREIGN COUNTRIES IN THE FINANCIAL, TECHNICAL, AND CULTURAL FIELDS. (SWISS EMBASSY HAS TOLD US THAT PREVIOUSLY THIS WAS TRUE, BUT THAT TODAY CANTONS CAN CONCLUDE ONLY CULTURAL AGREEMENTS AND COMMERCIAL AGREEMENTS WHICH HAVE NO IMPACT ON FEDERAL COMMERCIAL POLICY.)

3. TURKISH COUNSELOR SAID THAT GOT WISHED TO EMPHASIZE THERE IS A PROVISION IN THE TURKISH CYPRIOT DRAFT CONSTITUTION STIPULATING THAT ONCE A NEW CONSTITUTION FOR THE FEDERAL REPUBLIC OF CYPRUS ENTERS INTO FORCE, THE NECESSARY AMENDMENTS AND ADJUSTMENTS WILL BE MADE IN THE TURKISH CYPRIOT CONSTITUTION TO MAKE IT CONFORM TO THE FEDERAL DOCUMENT. THUS THE TURKISH CYPRIOT CONSTITUTION, WHEN ADOPTED, SHOULD BE CONSIDERED TEMPORARY AND PROVISIONAL.

4. DEPARTMENT OFFICER ASKED FOR DESCRIPTION OF PROCEDURAL STEPS NECESSARY FOR ADOPTION OF TURKISH CYPRIOT CONSTITUTION AND LIKELY TIMETABLE. TURKISH COUNSELOR STATED THAT STEPS FOR ADOPTION ARE AS FOLLOWS: (A) CONSTITUENT ASSEMBLY'S COMMITTEE ON THE CONSTITUTION HAS ALREADY PRESENTED DRAFT CONSTITUTION TO THE CONSTITUENT ASSEMBLY; (B) CONSTITUENT ASSEMBLY WILL CONSIDER AND ULTIMATELY ADOPT THIS DRAFT CONSTITUTION OR SOMETHING LIKE IT; (C) REFERENDUM BY THE PEOPLE; AND (D) PROMULGATION. COUNSELOR CONFIDENTIAL

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OR SAID HE IS UNAWARE OF TIMETABLE BUT ASSUMED THAT PROCESS WILL NOW GO STEADILY FORWARD.

5. DEPTOFF SAID THAT WHILE HE HAD NOT BEEN INSTRUCTED TO EXPRESS TO GOT A CONSIDERED US OPINION ON THIS MATTER, HE HAD PERSONAL COMMENTS WHICH HE THOUGHT MIRRORED THE GENERAL, TENTATIVE US THINKING. HE NOTED IT IS CLEARLY US VIEW THAT EVERY EFFORT MUST NOW BE MADE BY ALL PARTIES TO

RESUME CYPRUS NEGOTIATIONS AT EARLIEST POSSIBLE DATE. US WOULD BE RELUCTANT TO SEE STEPS TAKEN BY ANY PARTY WHICH MIGHT COMPLICATE THE EFFORT TO ESTABLISH A NEW FRAMEWORK FOR NEGOTIATIONS. JUST AS DECLARATION OF ESTABLISHMENT OF TURKISH FEDERATED WING HAD NOT BEEN HELPFUL IN ASSISTING NEGOTIATING PROCESS, WE WERE CONCERNED THAT FORMAL ADOPTION AND PROMULGATION OF TURKISH CYPRIOT CONSTITUTION WOULD ALSO BE UNHELPFUL. (DEPTOFF NOTED IN THIS REGARD THAT HE COULD NOT SEE HOW EARLY ADOPTION OF CONSTITUTION WOULD ASSIST GOVERNING PROCESS IN TURKISH-HELD SECTOR SINCE MACHINERY SEEMED TO BE FUNCTIONING ADEQUATELY WITH-

OUT SUCH A DOCUMENT.) TURKISH COUNSELOR REJOINED THAT

ADOPTION OF CONSTITUTION WOULD BE LOGICAL EXTENSION OF ORIGINAL DECLARATION OF ESTABLISHMENT OF TURKISH WING BUT ESSENTIALLY MUCH LESS IMPORTANT THAN THAT DECLARATION. HE URGED THAT USG NOT ATTACH UNDUE IMPORTANCE TO CONSTITUTION, ADOPTION OF WHICH HE FELT WOULD GIVE TURKISH CYPRIOTS FURTHER SENSE OF CONFIDENCE AND SECURITY AS THEY ANTICIPATED NEGOTIATIONS WITH GREEK CYPRIOTS.

6. DEPTOFF CONCLUDED BY SPECULATING THAT IT WOULD BE HELPFUL FOR GOT TO OFFER THESE SAME "CLARIFICATIONS" IN NICOSIA AND ATHENS, AND SUGGESTED THAT IN ANY SUCH REPRESENTATIONS, GOT MIGHT WANT TO UNDERLINE CLAUSE OF TURKISH CYPRUS CONSTITUTION RELATING TO ITS PROVISIONAL NATURE AND INTENTION TO AMEND IT SUBSEQUENTLY AS NECESSARY TO BRING IT INTO CONFORMITY WITH ULTIMATE FEDERAL DOCUMENT. INGERSOLL

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